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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

REVISED CEASE AND DESIST ORDER NO. 83-41

THE CITY OF DALY CITY AND DALY CITY
SCAVENGER COMPANY, CLASS II-2 SOLID
WASTE DISPOSAL SITE, DALY CITY,
SAN MATEO COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region,
hereinafter called the Board, finds that:

1. On July 21, 1982 the Board adopted Order No. 82-43, which prescribed Closure Requirements for the site in accordance with Resolution 77-7, Minimum Criteria for the Proper Closure of Class II Disposal Sites, for the City of Daly City and the Daly City Scavenger Company, hereinafter called the discharger.
2. On July 21 1982 the Board adopted Order No. 82-44, requiring the City of Daly City and the Daly City Scavenger Company to cease and desist from discharging wastes in violation of requirements in Order No. 82-43. The discharger did not comply with the specified time schedules due to administrative delays; however, the discharger was making progress towards accomplishing the required tasks. Last winter's storms destroyed much of the work that the discharger had accomplished, washed out large sections of the seawall, and caused severe additional damage to the site.
3. The requirements of Order No. 82-44 provided, in part as follows:

"B. The discharger shall achieve compliance with Specification B.1., B.2., B.3., C.1., C.2., and C.3. of Order No. 82-43 according to the following time schedule.

1. To assure compliance with B.1:

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
a. replace lost cover	by Oct. 1, 1982	by Oct. 15, 1982

2. To assure compliance with B.2:

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
a. cleanup all half rounds	by Oct. 1, 1982	by Oct. 15, 1982
b. regrading of benches	by Oct. 1. 1982	by Oct. 15. 1982

3. To assure compliance with B.3.:

<u>Task</u>	<u>Completion Date</u>	<u>Submit Report</u>
a. submit report indicating location of all slippage areas and proposed corrective action	by Aug. 20, 1982	by Aug. 20, 1982
b. repair erosion and slippage areas	by Oct. 1, 1982	by Oct. 15, 1982

4. To assure compliance with C.1:

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
a. submit report indicating nature of necessary work	by Aug. 20, 1982	by Aug. 20, 1982
b. complete all necessary work	by Oct. 1, 1982	by Oct. 15, 1982

5. To assure compliance with C.2 and C.3:

<u>Task</u>	<u>Submit Report</u>
a. submit report prepared by a registered engineer evaluating the adequacy of existing site drainage with recommended modifications, if found to be necessary and a time schedule for completing the modifications.	by Aug. 20, 1982"

4. The requirements of Order No. 82-43 provide, in part, as follows:

"B. Site Closure Specifications

1. All completed disposal areas shall be maintained with a final cover of at least three feet of clean soil. At least one foot of the final cover shall be compacted to attain a permeability equivalent to no greater than 1×10^{-6} cm/sec. Exceptions to this requirement may be granted by the Board upon a demonstration that equivalent protection against water penetration may be provided by other means.

2. Completed disposal areas shall be maintained to prevent ponding and to provide slopes to at least three percent, except where incompatible with park use (i.e. play fields), in which case grade shall not be less than 2 percent. Areas subject to erosion shall be designed and maintained to prevent such erosion.
3. Slopes within the disposal area and below the Upper North Canyon area shall be maintained in such a manner as to minimize the potential for sliding by control of grades, drainage, or other means. Any slides observed within the disposal area and below the Upper North Canyon area, shall be promptly stabilized, and the Regional Board shall be notified immediately upon discovery of a slide.
4. The existing sea wall and sea wall extension, now under construction shall be maintained at least one foot above the elevation of the highest expected tide including storm wave action and in adequate condition to prevent site erosion due to wave action and the deposition of any refuse in waters of the State due to erosion of slides.
5. Access to all portions of the site shall be maintained at all times to allow for immediate corrections of slides, drainage problems or erosion of cover material.

C. Leachate and Drainage Specifications

1. The disposal area(s) shall be protected from any washout or erosion and from inundation, which could occur as a result of tides, rainfall and/or floods having a predicted frequency of once in 100 years. The sea wall, all drainage ditches and all other facilities shall be designed and maintained to convey maximum anticipated storm runoff and to withstand the effects of differential settlement.
2. Surface drainage from tributary areas and internal site drainage from surface or subsurface sources shall not contact or percolate through Group 2 wastes deposited on the site.
3. All necessary facilities shall be provided and maintained to ensure that leachate from group 2 waste, ponded water containing leachate or any polluted water are not discharged to ground waters or surface waters of the State.

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D. Provisions

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4. The site shall be maintained in accordance with this Order.
5. The discharger shall comply with all Specifications and Prohibitions of this Order immediately."

5. The discharger informed the Board in a letter dated January 6, 1983 that the final compliance date had not been met. The reasons cited for non-compliance were: (a) delays in contractor securing bonds and insurance (from July 26, 1982 until September 8, 1983); (b) problems locating suitable cover material; and (c) very inclement weather from late October until mid December.
6. Approximately 95% of all work required by Order No. 82-44 was completed by February 1983. The discharger made a significant effort to complete this work in the middle of a severe winter season.
7. Some of the delays noted in Finding 5 were beyond the control of the discharger.
8. The discharger informed the Board in letters dated January 31, 1983, February 17, 1983, March 7, 1983 and March 30, 1983 of additional site problems and damage as a result of the heavy storms and high tides. This damage consisted of: washout of large sections of the seawall, numerous slides making on-site roads impassable, loss of a major site drainage system which was quickly re-routed and which was repaired in Spring 1983; and off-site slides which deposited material on top of the landfill causing ponding and added weight. These conditions were documented during Board staff inspections.
9. The conditions described in Finding 8 above indicate continuing violations of Specifications B.1., B.2., B.3., B.4., B.5., C.1., C.2., and C.3. and Provisions D.4. and D.5. of Order No. 82-43.
10. The discharger informed the Board by submittals dated June 20, 1983 and August 5, 1983 of what repair work had been completed, what work was on-going, and what work had not yet been contracted out. The discharger has estimated that the remaining work can be completed 3 months after the contract is let.
11. The Board on October 19, 1983, after due notice to the discharger and other affected persons, conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
12. The discharger is continuing to violate the requirements listed in Finding 4 above.
13. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED, that Cease and Desist Order No. 82-44 is amended as follows:

A. The discharger shall forthwith cease and desist from violating Specifications B.1., B.2., B.3., B.4., B.5., C.1., C.2., and C.3. and Provisions D.4. and D.5. of Order No. 82-43.

B. The discharger shall achieve compliance with Specifications B.1, B.2., B.3., B.4., B.5., C.1., C.2., and C.3., and Provisions D.5., of Order No. 82-43 according to the following time schedule:

1. To assure compliance with B.1. and D.5.:

<u>Task</u>	<u>Compliance Date</u>
a. replace lost cover	by Feb. 1, 1984

2. To assure compliance with B.2. and D.5.:

<u>Task</u>	<u>Compliance Date</u>
a. complete regrading work	by Feb. 1, 1984

3. To assure compliance with B.3. and D.5.:

<u>Task</u>	<u>Compliance Date</u>
a. complete repair of all erosion and slippage areas	by Feb. 1, 1984

4. To assure compliance with B.4., B.5., and C.1. and D.5.:

<u>Task</u>	<u>Compliance Date</u>
a. complete sea wall repairs	by Jan. 1, 1984

5. To assure compliance with C.2., C.3., and D.5.:

<u>Task</u>	<u>Compliance Date</u>
a. complete all repairs, additions, and modifications to the drainage system	by Jan. 1, 1984

C. The discharger shall, in order to provide continued compliance with Provision D.4. of Order No. 82-43, submit a report by May 1, 1984 and by May 1, of future years which shall address the following:

1. A list and map indicating all site problems and damage during the preceeding winter;

2. Description of corrective work needed;
 3. Time schedule for corrective work which will allow all necessary work to be completed prior to October 1 and includes, where applicable dates for:
 - a. a determination of availability of financing and whether corrective work will be by outside contract or with City staff
 - b. city council action
 - c. completion of plans and specifications
 - d. advertise for bids
 - e. award bid
 - f. start work
 - g. completion of major components
 - h. completion of work
- D. The discharger shall submit monthly reports on the first of every month until compliance with tasks in Section B of this Order are achieved. These reports shall indicate for each task progress towards achieving compliance including a statement of ability to achieve the final compliance data and; any delays encountered including reasons for delays and revised compliance date(s) if appropriate.
- E. The discharger shall submit a report within 15 days of each compliance date in Section B of this Order. This report shall indicate compliance or non-compliance. If non-compliance is indicated the reasons for non-compliance shall be included along with a new compliance date.
- F. All construction work including sea wall repair, grading, drainage improvements, and replacement of cover shall be supervised by a registered civil engineer and/or a certified engineering geologist.
- G. If the Executive Officer finds that the discharger has failed to comply with provisions of this Order, he is authorized after approval of the Board Chairman, to request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.
- H. If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the Attorney General, he is instructed to report to the Board the reasons that the discharger has been unable to comply with the provisions of this Order.
- I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 19, 1983.

FRED H. DIERKER
Executive Officer